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PATENT

Docket No. 219002028402

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Assistant Commissioner for Patents, Washington, D.C. 20231, on September 12, 2002.

*Tami M. Procopio*  
Tami M. Procopio

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Sarvajit CHAKRAVARTY, *et al.*

Serial No.: 09/972,582

Filing Date: 5 October 2001

For: QUINAZOLINE DERIVATIVES AS  
MEDICAMENTS

Examiner: H. Liu

Group Art Unit: 1624

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to an Office action herein mailed 12 July 2002, time for response to which was set to expire 12 August 2002. A petition for an extension of time of one (1) month until 12 September 2002 is attached hereto, along with the required fee. Restriction among eight groups was required.

Applicants provisionally elect to prosecute the invention of Group III, directed to a method to inhibit p38 activity when  $Z^3$  is N and two of  $Z^5$ - $Z^8$  are N and the rest are  $CR_2$ .

This election is made with traverse. With respect to Groups I-IV as compared to V-VIII, in the first place, these are simply two sides of the same coin - a composition for use in a claimed method where the claims have exactly the same scope. Thus no additional burden is imposed.

With respect to the parsing of structures among Groups I-IV and V-VIII, all of these compounds share common characteristics. They are all stated to have the same type of activity,

and they have the same basic structures. No undue burden is seen in examination if N is substituted for CR<sup>2</sup>. These is especially the case as the claims are directed to methods to inhibit p38 $\alpha$  activity and compositions specifically for use in that method. Thus, the Office need only explore what types of compounds have been disclosed as having this specific activity. This is different from instances where compounds *per se* are claimed and thus each structure must be individually searched.

Reconsideration and withdrawal of the restriction requirement is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 219002028402.

Respectfully submitted,

Dated: September 12, 2002

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